

Chapter 131: Offenses Pertaining to Property

CHAPTER 131: OFFENSES PERTAINING TO PROPERTY

Section

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§ 131.01 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT.

No person shall willfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization. (ILCS Ch. 720, Act 5, § 21-1.1) Penalty, see § 130.99

§ 131.02 TRESPASS TO LAND.

(A) No person shall enter upon the land or into a building other than a residence, or any part thereof, of another after receiving, prior to the entry, notice from the owner or occupant that an entry is forbidden, or remain upon the land or in a building other than a residence, of another after receiving notice from the owner or occupant to depart.

(B) A person is deemed to have received notice from the owner or occupant within the meaning of division (A) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding an entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodation for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing, or other agreement or arrangement with the owner or his agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him at the place he is so living on the land.

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(D) A person shall be exempt from prosecution under this section if he beautifies unoccupied and abandoned residential or industrial properties located within this Village. For the purpose of this division, UNOCCUPIED AND ABANDONED RESIDENTIAL or INDUSTRIAL PROPERTY means any real estate in which the taxes have not been paid for a period of at least two years, and which has been left unoccupied and abandoned for a period of at least one year. BEAUTIFIES means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) of this section. (ILCS Ch. 720, Act 5, § 21-3) Penalty, see § 130.99

§ 131.03 DAMAGING VILLAGE PROPERTY.

(A) It shall be unlawful to:

- (1) Knowingly damage any Village property without the Village's consent.
- (2) Recklessly, by means of fire or explosion, damage Village property without the village's consent.
- (3) Knowingly start a fire on Village land without the consent of the Village.
- (4) Knowingly deposit on Village land or in a Village building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the Village of its land or buildings.

(B) For the purposes of this section, *PROPERTY* means anything of value including, but not limited to real estate, money, commercial instruments, written instruments representing or embodying rights concerning anything of value, labor, or services, things affixed to or found on land or part of or affixed to any building, electricity, gas, or water. Penalty, see § 130.99

§131.04 VANDALISM.

Acts of vandalism resulting in damage to real or personal property within the Village pose a threat to the value of property and the welfare of residents. It is in the best interests of the Village that such acts be prosecuted by the Village as a local offense and that penalties therefore be imposed which are related to the nature of the act and the type of offender.

Within the corporate limits of the Village no person shall:

- (a) Knowingly or recklessly damage any property of another person without his consent; or
- (b) Knowingly and without authority enter into or obtain control over any motor vehicle, bicycle, aircraft or water craft or any part thereof of another person without his consent.

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Penalty, see § 130.99

§ 131.05 CRIMINAL DAMAGE TO PROPERTY.

Any of the following acts are hereby declared to be criminal damage to property and are hereby prohibited.

- (A) Knowingly damaging any property of another without his consent; or
- (B) Recklessly by means of fire or explosive damaging property of another; or
- (C) Knowingly starting a fire on the land of another without his consent; or
- (D) Knowingly injuring a domestic animal of another without his consent; or

(E) Knowingly depositing on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intending to interfere with the use by another of the land or building; or

(F) Knowingly damaging the property of another without his consent by defacing, deforming or otherwise damaging such property by the use of paint or any other similar substance.

Penalty, see § 130.99

§ 131.06 TRESPASS TO VEHICLES.

It is hereby declared unlawful for any person to knowingly and without authority to enter any vehicle, aircraft or water craft, or any part thereof, of another without his consent.

Penalty, see § 130.99

(Ord. 01-11, passed 2-19-01)

§ 131.10 DEFINITIONS.

For the purposes of this Chapter, the words and phrases defined below have the meanings ascribed to them in those paragraphs unless a contrary meaning is clear from the context.

CONCEAL: To “conceal” merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.

FULL RETAIL VALUE: The merchant’s stated or advertised price of the merchandise.

MERCHANDISE: Any item of tangible personal property.

MERCHANT: An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

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PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT: Includes, but is not limited to, the retail mercantile establishment, and common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

RETAIL MERCANTILE ESTABLISHMENT: Any place where merchandise is displayed, held, stored or offered for sale to the public.

UNDER-RING: To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

§ 131.11 COMMITTING RETAIL THEFT.

It shall be unlawful for any person to commit retail theft. A person commits the offense of retail theft when he knowingly:

(A) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

(B) Without authority from management, alters, transfers, or removes any label, price tag, marking, indicia of value or other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in concert with another at less than full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

(C) Without authority from management, transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container or place in or on which such merchandise is displayed to any other container or place with the intention of depriving the merchant of the full retail value of such merchandise; or

(D) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(E) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

§ 131.12 PRESUMPTIONS.

If any person conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, and removes that merchandise beyond the last known station for receiving payments for merchandise in that retail mercantile establishment without paying the full retail value of such merchandise, such person shall be presumed to have possessed, carried away or transferred such merchandise with the

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intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise.

§ 131.13 DETENTION.

Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

- (A) to request identification, and to verify such identification;
- (B) to make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;
- (C) to inform a Kildeer Police Officer of the detention of the person and surrender that person to the custody of Police Officer;
- (D) in the case of a minor, to inform a Kildeer Police Officer, the parents, guardian or other private person interested in the welfare of that minor of the detention and to surrender custody of such minor to such person.

§ 131.14 AFFIRMATIVE DEFENSE.

A detention as permitted in this Chapter does not constitute an arrest or an unlawful restraint, nor shall it render the merchant liable to the person so detained.

§ 131.19 PENALTY.

A person convicted of retail theft under this Chapter, without regard to the retail value of the merchandise taken, shall be fined by the Lake County Circuit Court in accordance with §10.99 of the Village of Deer Park Municipal Code.

(Ord. 00-36, passed 10-16-00)